

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|--------------------|---|---------------------------|
| ERIC D. SCOTT, |) | No. C 11-3128 LHK (PR) |
| |) | |
| Petitioner, |) | ORDER GRANTING MOTION FOR |
| |) | RECONSIDERATION; RE- |
| v. |) | OPENING CASE |
| |) | |
| WARDEN G.D. LEWIS, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 21, 2011, the Court issued an order to show cause, and ordered Petitioner to pay the filing fee within thirty days. On December 6, 2011, having received no indication of payment from Petitioner, the Court dismissed the action and entered judgment.

On December 30, 2011, the Clerk entered into the docket a letter filed by Petitioner on December 23, 2011. In that letter, Petitioner disputes the dismissal, arguing that he paid the filing fee within the Court-ordered deadline. Petitioner included a copy of the receipt he received confirming that he paid the required filing fee on November 18, 2011. The Court construes Petitioner's letter as a motion for reconsideration. So construed, the motion is GRANTED. The Clerk shall RE-OPEN this case.

1 Petitioner's traverse to Respondent's answer shall be filed no later than **thirty days** from
2 the filing date of this order.

3 IT IS SO ORDERED.

4 DATED: 1/11/12


LUCY H. KOH
United States District Judge